

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Criminal No.: 09-CR-10330-GAO</b>
	)	
<b>v.</b>	)	
	)	
<b>(1) STRYKER BIOTECH, LLC,</b>	)	
<b>(2) MARK PHILIP,</b>	)	
<b>(3) WILLIAM HEPPNER,</b>	)	
<b>(4) DAVID ARD and</b>	)	
<b>(5) JEFFREY WHITAKER,</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT STATEMENT CONCERNING PRETRIAL  
SCHEDULE AND LOCAL RULE 117.1 INITIAL PRETRIAL CONFERENCE**

The United States of America and Defendants Stryker Biotech, LLC, Mark Philip, William Heppner, David Ard and Jeffrey Whitaker (the “Defendants”) (collectively, the “Parties”) submit this joint statement in light of the September 15, 2011 initial pretrial conference at which the Court continued the trial of this matter to January 9, 2012, and the Superseding Indictment returned by the Grand Jury on October 11, 2011.

Except as otherwise noted below, the Parties agree to the following dates and submit them for the Court’s consideration.

- a. The parties request that the Court schedule a hearing in November to address the severance motions, motion relating to expert testimony, and any other pending motions. The parties would prefer November 7, 8, 9, 17<sup>th</sup> or November 22<sup>nd</sup> if any of those dates work for the Court.
- b. The parties disagree on when motions in limine should be filed. The Government requests that motions in limine be filed on November 30, with responses due on December 14. The Defendants propose that, at the next status conference, the Court set a schedule for filing and responding to motions in limine.

- c. On December 12th, the Parties file proposed voir dire questions and proposed juror questionnaires.
- d. On December 12th, the Government files its exhibit list.
- e. On December 15th, the Parties file trial briefs.
- f. On December 19th, the Defendants file their exhibit list and the Government will make disclosures of exculpatory information required by Local Rule 116.2(B)(2).
- g. On January 2nd, the Parties file proposed jury instructions and any stipulations.
- h. On January 2nd, the Government files its witness list.
- i. During the week of January 2nd, the Court conducts the Local Rule 117.1(11) Second Pretrial Conference to address any pending motions and other pre-trial issues.
- j. On January 6th, the Defendants file their witness list.

Respectfully submitted,

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Dated: October 21, 2011

**CERTIFICATE OF SERVICE**

I, Susan Winkler, hereby certify that this Joint Statement filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper or electronic copies will be sent to those indicated as nonregistered participants on October 21, 2011.

/s/ Susan Winkler

